

MEMO ENDORSED

JARED J. SCHARF
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I think Judge Smith should order any unsealing. Mr. Scharf should apply to her, but in the meantime may file hard copy in chambers.

JARED J. SCHARF

ADAM L. SCHARF*

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Hon. Cathy Seibel
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10604

USDC SDNY April 18, 2012
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So Ordered.

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 4/18/12

Re: United States v. Adem Arici
12-Cr. 0024 (CS)

Dear Judge Seibel:

I prepared a motion to dismiss the indictment that I had intended to file today in the courtroom. Since much of the motion contains items that are sealed in another case, I intended to resolve in court today whether defendant's motion to dismiss ought to be filed under seal. The case in which these items are sealed also is assigned to your Honor, but presently is before Judge Smith for preparation of a Report and Recommendation.

If the motion ought to be filed under seal, then I cannot file it electronically. I prepared hard copies of the motion for the Court and the other parties. On the other hand, Judge Smith's order that the items be sealed was based on my application which was based on the need to protect the identity of a target of a grand jury investigation from unnecessary publicity. However, in view of the present case, that concern is substantially diminished, and I have no objection if the Court vacates the sealing order.

I would like to file the motion today or tomorrow. Please inform me if I should do so under seal by delivering a hard copy to chambers or to the clerk, or if the sealing order may be vacated, in which case I will file the motion electronically. In the former situation, i.e. file under seal, please authorize me to serve a copy upon Mr. Petrillo.

Respectfully,

Jared J. Scharf
Jared J. Scharf

cc: Cynthia Dunne, Esq., Lee Renzin, Esq.
Guy Petrillo, Esq., Jill Barnhart, Esq.

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FACSIMILE TRANSMITTAL SHEET

TO: Hon. Cathy Seibel
390-4278

FROM:

Jared J. Scharf, Esq.

FAX NUMBER:

DATE:

4/18/2012

RE:

United States v. Adem Arici et al.
S1 12-Cr. 0024 (CS)

TOTAL NO. OF PAGES INCLUDING COVER:

CC:

Guy Petrillo, Esq. and Jill Barnhart, Esq.
212-370-0391
Cynthia K. Dunne, Esq., Lee Renzin, Esq.
993-1980

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